

FILED
ASHEVILLE, N.C.

UNITED STATES DISTRICT COURT

MAR 08 2019

for the
Western District of North CarolinaU.S. DISTRICT COURT
W. DIST. OF N.C.In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Tumblr account for the screen/user names contained in
Attachment A at premises owned, controlled or operated
by Tumblr, Inc., 770 Broadway, New York, NY 10003

Case No.

1:19-mj-22-wcm-2

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Tumblr, Inc., 770 Broadway, New York, NY 10003. See Attachment A to Affidavit
located in the Southern District of New York, there is now concealed (identify the person or describe the property to be seized):

See Attachment B to Affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

Title 18 USC 2252 and 2252A

Production, distribution, and possession of child pornography

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

TFO Roger Williams

Printed name and title

Sworn to before me and signed in my presence.

Date:

3/8/2019

City and state: Asheville, North Carolina



Judge's signature

W. Carleton Metcalf, U. S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Roger L. Williams a Task Force Officer (TFO) with Homeland Security Investigations (HSI), being duly sworn, depose and state as follows:

PRELIMINARY BACKGROUND INFORMATION

1. I am employed as a Detective with the Cherokee County Sheriff's Office, Cherokee County, North Carolina. I am assigned as a TFO with Homeland Security Investigations ("HSI"), a division of Immigration and Customs Enforcement, Hendersonville North Carolina, assigned to the Special Agent in Charge ("SAC") Charlotte, North Carolina. I have been employed as a law enforcement officer for over 37 years. I have been assigned as a full time TFO with the Hendersonville Resident Agent in Charge ("RAC") by HSI since April 2018. As a TFO with HSI, I have investigated federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography. I have gained experience through training at the Federal Law Enforcement Training Center ("F.L.E.T.C.") and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I am a member of the North Carolina Internet Crimes Against Children ("North Carolina ICAC") Taskforce and am currently assigned to conduct child exploitation investigations for the RAC Hendersonville, North Carolina. Moreover, I am a federal task force officer who is engaged in enforcing the criminal laws, including 18 U.S.C. §§ 2252 and 2252A, and I am authorized by law to request a search warrant.

2. This affidavit is submitted in support of an application for a search warrant for information associated with certain accounts, described in the following paragraphs and in Attachment A, that are stored at premises owned, maintained, controlled, or operated by Tumblr, Inc. ("Tumblr or "Tumblr.com"), a company headquartered at 770 Broadway, New York, NY 10003. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Tumblr to disclose to the government copies of records and other information (including the content of communications), as further described in Section I of Attachment B, pertaining to the subscriber or customer associated with those accounts. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

3. The statements in this affidavit are based in part on information provided by members of the North Carolina Internet Crimes Against Children (ICAC) Taskforce and on my investigation of this matter. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that contraband and evidence, fruits, and instrumentalities of violations of 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1), Receipt, Transportation, and Distribution of Child Pornography; and 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2), Possession and Access, or Attempted Access, with Intent to View Child Pornography are likely contained within the accounts associated with Tumblr screen/user names: **"justsodamnsexy420"** and **"stickymakerdonkeyartisan"** stored at premises owned, maintained, controlled, or operated by

Tumblr. I therefore request a warrant issue for the search of the accounts described in Attachment A for evidence of these crimes, as described in Attachment B.

STATUTORY AUTHORITY

4. As noted above, this investigation concerns alleged violations of the following:

a. 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1) prohibits a person from knowingly receiving, distributing or conspiring to receive or distribute, or attempting to do so, any child pornography or any material that contains child pornography, as defined in 18 U.S.C. § 2256(8), that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; and

b. 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2) prohibits a person from knowingly possessing or knowingly accessing with intent to view, or attempting to do so, any material that contains an image of child pornography, as defined in 18 U.S.C. § 2256(8), that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

DEFINITIONS

5. The following definitions apply to this Affidavit and Attachment B:

a. “Blog” a website that contains online personal reflections, comments, and often hyperlinks, videos, and photographs provided by the writer.

b. “Cybertip” The National Center for Missing and Exploited Children (NCMEC) is the nation’s centralized reporting system for the online exploitation of children. Information reported to NCMEC concerning child exploitation is then forwarded to the appropriate ICAC Task Force Commander and then forwarded to the appropriate agency for investigation in the form of a cybertip.

c. “Chat,” as used herein, refers to any kind of text communication over the Internet that is transmitted in real-time from sender to receiver. Chat messages are generally short in order to enable other participants to respond quickly and in a format that resembles an oral conversation. This feature distinguishes chatting from other text-based online communications such as Internet forums and email.

d. “Child erotica,” as used herein, means materials or items that are sexually arousing to persons having a sexual interest in minors but that are not necessarily obscene or do not necessarily depict minors in sexually explicit poses or positions.

e. “Child pornography,” as defined in 18 U.S.C. § 2256(8), is any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct.

f. “Cloud-based storage service,” as used herein, refers to a publicly accessible, online storage provider that collectors of child pornography can use to store

and trade child pornography in larger volumes. Users of such a service can share links and associated passwords to their stored files with other traders of child pornography in order to grant access to their collections. Such services allow individuals to easily access these files through a wide variety of electronic devices such as desktop and laptop computers, mobile phones, and tablets, anywhere and at any time. An individual with the password to a file stored on a cloud-based service does not need to be a user of the service to access the file. Access is free and readily available to anyone who has an Internet connection.

g. “Computer,” as used herein, refers to “an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device” and includes smartphones, and mobile phones and devices. *See* 18 U.S.C. § 1030(e)(1).

h. “Computer hardware,” as used herein, consists of all equipment that can receive, capture, collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, or similar computer impulses or data. Computer hardware includes any data-processing devices (including central processing units, internal and peripheral storage devices such as fixed disks, external hard drives, floppy disk drives and diskettes, and other memory storage devices); peripheral input/output devices (including keyboards, printers, video display monitors, and related communications devices such as cables and connections); as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (including physical keys and locks).

i. “Computer software,” as used herein, is digital information which can be interpreted by a computer and any of its related components to direct the way they work. Computer software is stored in electronic, magnetic, or other digital form. It commonly includes programs to run operating systems, applications, and utilities.

j. “Computer passwords and data security devices,” as used herein, consist of information or items designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password (a string of alpha-numeric characters) usually operates what might be termed a digital key to “unlock” particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software of digital code may include programming code that creates “test” keys or “hot” keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt, compress, hide, or “booby-trap” protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

k. “File Transfer Protocol” (“FTP”), as used herein, is a standard network protocol used to transfer computer files from one host to another over a computer network, such as the Internet. FTP is built on client-server architecture and uses separate control and data connections between the client and the server.

l. “GIF”, as used herein, A GIF is a computer file that is used on the Internet for sending images, especially moving images. GIF is an abbreviation for 'Graphic Interchange Format'.

m. "Internet Protocol address" or "IP address," as used herein, refers to a unique number used by a computer or other digital device to access the Internet. IP addresses can be "dynamic," meaning that the ISP assigns a different unique number to a computer every time it accesses the Internet. IP addresses might also be "static," if an ISP assigns a user's computer a particular IP address that is used each time the computer accesses the Internet.

n. "Internet Service Providers" ("ISPs"), as used herein, are commercial organizations that are in business to provide individuals and businesses access to the Internet. ISPs provide a range of functions for their customers including access to the Internet, web hosting, e-mail, remote storage, and co-location of computers and other communications equipment.

o. "ICAC Data System" is a web based system whereby Cyber Tips issued by the National Center for Missing and Exploited Children are distributed to ICAC Investigators.

p. "Minor," as defined in 18 U.S.C. § 2256(1), refers to any person under the age of eighteen years.

q. "Mobile applications," as used herein, are small, specialized programs downloaded onto mobile devices that enable users to perform a variety of functions, including engaging in online chat, reading a book, or playing a game.

r. "Records," "documents," and "materials," as used herein, include all information recorded in any form, visual or aural, and by any means, whether in handmade, photographic, mechanical, electrical, electronic, or magnetic form.

s. "Remote Computing Service" ("RCS"), as defined in 18 U.S.C. § 2711(2), is the provision to the public of computer storage or processing services by means of an electronic communications system.

t. "Sexually explicit conduct," as defined in 18 U.S.C. § 2256(2), means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person.

u. "Visual depiction," as defined in 18 U.S.C. § 2256(5), includes undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

v. "TLOxp" This TransUnion solution aggregates data from over 10,000 sources to create the most robust public and proprietary records database, delivering instant access to fresh and pertinent multi-jurisdictional information about people, businesses and assets.

w. "Tumblr" Tumblr is a microblogging and social networking website founded by David Karp in 2007 and owned by Verizon Media. The service allows users to post multimedia and other content to a short-form blog. Users can follow other users' blogs. Bloggers can also make their blogs private. For bloggers many of the website's features are accessed from a "dashboard"

x. “Website” consists of textual pages of information and associated graphic images. The textual information is stored in a specific format known as Hyper-Text Mark-up Language (HTML) and is transmitted from web servers to various web clients via Hyper-Text Transport Protocol (HTTP).

DETAILS OF THE INVESTIGATION

6. On or about December 31, 2018, I received a Cyber Tipline Report 43674691 via the ICAC Data System. The Cyber Tipline Report detailed that during the month of November 2018, an individual who had created a user account of “**justsodamnsexy420**” on the social networking site Tumblr.com had engaged in the dissemination of child exploitation material through an online blog. The Cyber Tipline Report 43674691 included 14 images that Tumblr.com had felt were child exploitative in nature. I reviewed the images and know that:

- (a) The file named “**180540835306_0_npf_video.mp4**” is a video which depicts an adult male engaged in vaginal intercourse with a prepubescent female.
- (b) The file named “**178747724486_1_inline_image.jpg**” is a digital image depicting two prepubescent females engaged in oral copulation.
- (c) The file named “**178747724486_3_inline_image.jpg**” is a digital image depicting two prepubescent females engaged in oral copulation.
- (d) The file named “**178747724486_4_inline_image.jpg**” is a digital image depicting two prepubescent females engaged in oral copulation.
- (e) The file named “**178747724486_5_inline_image.jpg**” is a digital image depicting two prepubescent females engaged in oral copulation.

(f) The file named **"178747724486_6_inline_image.jpg"** is a digital image depicting two prepubescent females engaged in oral copulation.

(g) The file named **"178747724486_8_inline_image.jpg"** is a digital image depicting two prepubescent females engaged in oral copulation.

(h) The file named **"178747724486_9_inline_image.jpg"** is a digital image depicting two prepubescent females engaged in oral copulation.

7. Further information provided by the Cyber Tipline Report 43674691 showed that Tumblr.com terminated the blog so that it can no longer be accessed. The above files are a representative sample of the blog's contents. A blog archive could be provided to law enforcement upon receipt of a valid search warrant.

8. Included in the Cyber Tipline Report 43674691 was information indicating that an individual using Gmail.com email account **"bhonea404@gmail.com"** had created a user ID of **"justsodamnsexy420"**. The IP address that was used to transmit the suspected child pornography material was identified as: 2001:5b0:46d7:d5e8:1576:5cf8:56a1:22ae.

9. Included in the Cyber Tipline Report 43674691 was legal process sent by the North Carolina State Bureau of Investigation to determine the ISP that owned the identified IP address. The return on the legal process indicated that the ISP that owned IP address 2001:5b0:46d7:d5e8:1576:5cf8:56a1:22ae was HughesNet.com. Additionally, the return from HughesNet.com indicated that IP address 2001:5b0:46d7:d5e8:1576:5cf8:56a1:22ae was in use on November 21, 2018, at approximately 7:29AM and assigned to an account belonging to

Melinda Beaver¹ at 2499 Ebenezer Road, Murphy, North Carolina 28906. The account had been opened on October 11, 2017, and a cellular telephone number of (828) 361-0124 was associated with that HughesNet.com account. The account was established with the use of a VISA credit card issued to MARTHA HONEA.

10. A check of the North Carolina Department of Criminal Information records revealed that a MELINDA DEANNE BEAVER, Driver's License Number 29235055, (DOB: June 23, 1970) resides at 2499 Ebenezer Road, Murphy, North Carolina 29906.

11. A check of records maintained in the Records Management System by the Cherokee County Sheriff's Office indicated that MELINDA DEANNE BEAVER had once resided at 15174 Joe Brown Highway, Murphy, North Carolina. Further, the records revealed that one of her previous surnames was HONEA.

12. A check of the North Carolina Department of Criminal Information records revealed that a BRYCE ALAN HONEA, Driver's License Number 34106592, (DOB: December 29, 1986) resided at 15174 Joe Brown Highway, Murphy, North Carolina.

13. Cyber Tipline Reports 1629342, 17214015, 19552122, 20557406 received by my through the ICAC Data System all contained IP addresses that had been utilized to upload child exploitation and pornographic images. All of the IP addresses contained those Cyber Tipline Reports were issued to a MARTHA HONEA residing at 15174 Joe Brown Highway, Murphy,

¹ Melinda "Beaver" was the name included in the return provided by HughesNet.com, further investigation by the Affiant revealed that the account holder's name is believed to be Melinda Beaver and your Affiant believes "Beaver" was a typographical error.

North Carolina. However, Cyber Tipline Report 19552122 provided an additional physical address of 2499 Ebenezer Road, Murphy, North Carolina.

14. A check of the North Carolina Motor Vehicle records maintained by the Department of Criminal Information revealed that a 2012 Subaru Outback 2 with North Carolina Registration Plate PKR9280 was registered to MELINDA DEANNA BEAVER who resides at 2499 Ebenezer Road, Murphy, North Carolina 29906.

15. A check of the North Carolina Motor Vehicle Records maintained by the Department of Criminal Information also revealed a 1999 Ford Contour SE registered to BRYCE ALAN HONEA at 15174 Joe Brown Highway, Murphy, North Carolina 28906.

16. On or about January 24, 2019, Detective Sean Myers, Cherokee County Sheriff's Office, surveilled the residence at 2499 Ebenezer Road, Murphy, North Carolina. While surveilling, Detective Myers was able to identify a red Subaru Outback 2 which displayed a North Carolina Registration Plate of PKR9280 parked at the residence located at 2499 Ebenezer Road, Murphy, North Carolina. Further, Detective Myers was able to view a red vehicle similar in build to a Ford Contour.

17. A check of open source information from the Internet regarding MELINDA DEANNA BEAVER revealed a Facebook account with Facebook username "MINDY BEAVER (mindy honea beaver)". Several images on the Facebook profile of MINDY BEAVER also match the driver's license photo received from the North Carolina Driver Services. On the Facebook page MINDY BEAVER has a photo collage in which the upper left photo is of BRYCE HONEA.

18. A check of open source information from the Internet regarding BRYCE HONEA revealed a Facebook account with Facebook username "BRYCE HONEA". Images on the profile were recognized as that of BRYCE HONEA and MINDY BEAVER.

19. Through personal experience, research of records maintained by the Cherokee County Sheriff's Office, and information from fellow law enforcement officers who have had interactions with MARTHA HONEA, MELINDA BEAVER (aka MELINDA HONEA), and BRYCE HONEA, I believe that all three individuals are relatives and have resided at 15174 Joe Brown Highway Murphy, North Carolina 28906 for a period of time prior to residing at the 2499 Ebenezer Road, Murphy, North Carolina. Additionally, information gathered from TLOxp during this investigation shows a "relative" relationship between all three individuals.

20. On February 7, 2019 a federal search warrant was conducted at 2499 Ebenezer Road, Murphy North Carolina. During the search of the residence at 2499 Ebenezer Road, Murphy, North Carolina, two cellular telephones, and a desktop computer were seized to be analyzed. Bryce HONEA was interviewed by me and, among other things, he admitted that he had established the Tumblr account associated with "**bhonea404@gmail.com**" and had used the account in November 2018 while at 2499 Ebenezer Road, Murphy, North Carolina to distribute and receive child exploitation images in an effort to obtain additional child exploitation images.

21. On or about February 22, 2019, I received a Cyber Tipline Report 44511416 via the ICAC Data System. The Cyber Tipline Report detailed that during the month of December 2018, an individual who had created a user account of "**stickymakerdonkeyartisan**" on the social networking site Tumblr had engaged in the dissemination of child exploitation material

through the online blog. The Cyber Tipline Report 44511416 included 25 images that Tumblr had felt were child exploitative in nature. I reviewed the images and know the following:

- a. The file named “181015349934_0_inline_image.jpg” is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose.
- b. The file named “181128553314_0_inline_image.jpg” is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose.
- c. The file named “181128553314_1_image.jpg” is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose.
- d. The file named “181128553314_2_in_image.jpg” is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose.
- e. The file name “181128553314_3_inline_image.jpg” is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose.
- f. The file named “181129892514_0_inline_image.jpg” is a digital image that depicts two prepubescent females which are nude. The prepubescent female on the left side of the image is sitting on a bar stool with her legs spread in a position where her vagina is lewdly and lasciviously displayed.
- g. The image named “181132703429_1_inline_image.jpg” is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose.
- h. The image named “181132703429_4_inline_image.jpg” is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose.
- i. The image named “181132703429_6_inline_image.jpg” is a digital image that depicts a prepubescent female dressed in only a pullover top, skirt and pink panties. The

prepubescent child is bent over forward and is exposing her genitalia in a lewd and lascivious manner.

- j. The image named **"181132703429_7_inline_image.jpg"** is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose.
- k. The image named **"181132703429_9_inline_image.jpg"** is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose.
- l. The image named **"18113854394_0_inline_image.jpg"** is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose. The prepubescent female appears to be rubbing her nipple and her legs are spread in a manner that exposes the genitalia.
- m. The image **"181132854394_1_inline_image.jpg"** is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose.
- n. The image **"181133059439_0_inline image.jpg"** is a digital image that depicts two prepubescent females clothed in two piece outfits. The females appear to be engaged in conversation. The caption of the image is "P E D O P H I L E S Can you really blame them?"
- o. The image **"181138514744_0_inline_image.jpg"** is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose.
- p. The image **"181142939194_0_inline_image.png"** is a digital image of a nude prepubescent female kneeling on what appears to be a bed, looking over her shoulder. The prepubescent female is positioned in such a manner that her anus and vagina are lewdly and lasciviously displayed.

- q. The image “181144564839_0_inline_image.jpg” is a digital image that depicts a prepubescent female wearing a top and shorts. She is positioned in a manner where the focal point of the image is on the vaginal and anal area of the prepubescent female’s body.
- r. The image “181144564839_1_inline_image.jpg” is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose.
- s. The image “181144564839_2_inline_image.jpg” is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose.
- t. The image “181144566564_0_inline_image.jpg” depicts a prepubescent female with a shirt with the writing “THE FUTURE IS PEDO”.
- u. The image “181161370504_0_inline_image.jpg” is a digital image that depicts a prepubescent female dressed in only a pullover top and panties in a provocative pose.
- v. The image “181167753904_0_inline_image.jpg” depicts two prepubescent females sitting on a couch.
- w. The image “181180164749_0_inline_image.gif” is a GIF image depicting a prepubescent female lying flat on her back with a female’s hands holding the prepubescent female’s vagina open and then the adult female performs cunnilingus on the prepubescent female.

22. Further information provided by the Cyber Tipline Report 44511416 showed that Tumblr.com terminated the blog so that it can no longer be accessed. The above files are a representative sample of the blog's contents. A blog archive could be provided to law enforcement upon receipt of a valid search warrant.

23. Included in the Cyber Tipline Report 44511416 was an identified IP address of 104.169.190.110. Also included was legal process sent by the North Carolina State Bureau of

Investigation to determine the ISP that owned the identified IP address. The return on the legal process indicated that the ISP that owned the above IP address was Frontier Communications and that Earl and Jill Rouss at 531 Pet Lane Road, Murphy, North Carolina were the account holders for the IP address 104.169.190.110 at the time the Tumblr.com account blog for “stickymakerdonkeyartisan” was created.

24. During the interview on February 7, 2019, Bryce HONEA informed me that Jill Rouss is his landlord and that she lives in the residence adjacent to his at 531 Pet Lane Road, Murphy, North Carolina. Bryce HONEA also stated that she allows him to use the wifi that is connected to her Frontier Communications account.

ADDITIONAL INFORMATION ABOUT TUMBLR

25. Upon creating a Tumblr account, a Tumblr user must create a unique Tumblr screen/user name and an account password. This information is collected and maintained by Tumblr. Tumblr asks users to provide basic identity and contact information upon registration and also allows users to provide additional identity information for their account. This information may include the user’s name, email addresses, and phone numbers, as well as potentially other personal information provided directly the user to Tumblr. Once an account is created, users may also adjust various privacy and account settings for the account.

26. Tumblr also allows users to “follow” another user’s blog, which means that they receive updates about posts made by the other user. Users may also “unfollow” users, that is, stop following them or block them, which prevents the blocked user from following that user. Tumblr users may “like” a post, “reblog” a post, reply to a post, or “follow” a blog. Records of such actions may be kept by Tumblr.

27. For each user, Tumblr also collects and retains information, called “log file” information, when a user requests access to Tumblr, whether through a web page or through an application (“app”). Among the log file information that Tumblr’s servers automatically record is any IP address associated with the request. Tumblr also collects and records information about a user’s web browser when the user interacts with its services, such as browser type and version, device type, operating system and version, language preference, the website or service that referred the user to the Tumblr service, the date and time of each request made to the service, screen display information, and information from any cookies that have been placed on the browser. Tumblr may also detect whether a user is using certain web browser extensions and store that information associated with an account.

28. Tumblr collects information about content posted to Tumblr blogs, including information describing a camera, camera settings, or EXIF data. Records of such information may be kept by Tumblr.

29. Tumblr also collects information on the particular devices used to access Tumblr. In particular, Tumblr may record “device identifiers,” which include data files and other information that may identify the particular electronic device that was used to access Tumblr.

30. Tumblr also collects and maintains “cookies,” which are small text files containing a string of numbers that are placed on a user’s computer or mobile device and that allow Tumblr to collect information about how a user uses Tumblr.

31. Tumblr sometimes collects and stores information about where a user is located, such as by converting an IP address into a rough geolocation, or may ask a user to provide information about the user’s location, for example to use geolocation information from a mobile

device to “geotag” a post. Those “geotags” mark the location of a photo and may include latitude and longitude information, comments on photos, and other information.

32. Tumblr also may communicate with the user, by email or otherwise. Such communications may be preserved by Tumblr.

33. As explained herein, information stored in connection with a Tumblr account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or, alternatively, to exclude the innocent from further suspicion. In my training and experience, a Tumblr user’s account activity, IP log, stored electronic communications, and other data retained by Tumblr can indicate who has used or controlled the Tumblr account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, messaging logs, photos and videos (and the data associated with the foregoing, such as EXIF data, geolocation, date and time) may be evidence of who used or controlled the Tumblr account at a relevant time. Further, Tumblr account activity can show how and when the account was accessed or used. For example, as described herein, Tumblr logs the IP addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access, use, and events relating to the crimes under investigation. Last, Tumblr account activity may provide relevant insight into the Tumblr account user’s state of mind as it relates to the offenses under investigation. For example, information on the Tumblr account may indicate the user’s motive and intent to commit a crime (e.g., information indicating a plan to commit a crime) or

consciousness of guilt (*e.g.*, deleting account information in an effort to conceal evidence from law enforcement).

LEGAL AUTHORITY

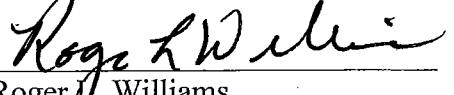
34. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711 and 18 U.S.C. § 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is a “district court of the United States . . . that – (i) has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

CONCLUSION

35. Based on the foregoing, I submit that there exists probable cause to believe that the Tumblr accounts associated with the screen/user names: **“justsodamnsexy420”** and **“stickymakerdonkeyartisan”** stored at premises owned, maintained, controlled, or operated by Tumblr, contain evidence of violations of 18 U.S.C. §§ 2252 and 2252A, and therefore respectfully request that this Court issue a warrant for the search of the accounts described in Attachment A, and authorizing the seizure and search of the items described in Attachment B.

36. Because the warrant will be served on Tumblr who will then compile the requested records and information at a time convenient to it, there exists reasonable cause to permit the execution of the requested warrant at any time in the day or night.

Respectfully submitted,



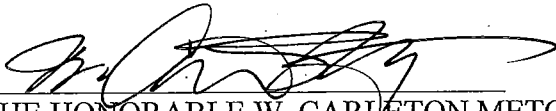
Roger J. Williams

Task Force Officer

Homeland Security Investigations

Special Assistant United States Attorney Alexis I. Solheim has reviewed this Affidavit.

Sworn and subscribed before me this 8th day of March, 2019.



THE HONORABLE W. CARLETON METCALF
UNITED STATES MAGISTRATE JUDGE
WESTERN DISTRICT OF NORTH CAROLINA

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Tumblr accounts associated with the screen/user names: “**justsodamnsexy420**” and “**stickymakerdonkeyartisan**” stored at premises owned, maintained, controlled or operated by Tumbler, Inc., a company headquartered at 770 Broadway, New York, NY 10003.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Tumblr, Inc. ("Tumblr") within 14 days

To the extent that the information described in Attachment A is within the possession, custody, or control of Tumblr, including any messages, records, files, logs, or information that have been deleted but are still available to Tumblr, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Tumblr is required to disclose, within 14 days from the date of issuance of this warrant, the following information to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, email address, physical address (including city, state, and zip code), date of birth, phone numbers, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames associated with the accounts;
- c. The dates and times at which the accounts and profiles were created, and IP address at the time of sign-up;
- d. All activity logs including IP logs, including those associated with user posts, and other documents showing the IP address, date, and time of each login to the accounts, as well as any other log file information;
- e. All information regarding the particular device or devices used to login to or access the accounts, including all device identifier information or cookie information, including all information about the particular device or devices used to access the accounts and the date and time of those accesses;

- f. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- g. All communications or other messages sent or received by the accounts, including “messaging logs” and the content of messages;
- h. All user content created, uploaded, or shared by the accounts;
- i. All photographs and images associated with the accounts;
- j. All exchangeable image file format (EXIF) data, camera, and camera settings information for all images associated with the accounts;
- k. All location data associated with the accounts and any photos or videos associated with the accounts, including geotags;
- l. All data and information that has been deleted by the user;
- m. A list of all of the people that the user followed, liked, or replied to on Tumblr, and all people who followed, liked, or replied to the user, as well as any friends of the user;
- n. A list of all users that the accounts has “unfollowed” or blocked;
- o. All privacy and accounts settings;
- p. All records of searches performed by the accounts, including all past searches saved by the accounts;
- q. All information about connections between the accounts and third-party websites and applications; and

- r. All records pertaining to communications between Tumblr and any person regarding the user or the user's Tumblr accounts, including contacts with support services, and all records of actions taken, including suspensions of the accounts.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, contraband, evidence, or instrumentalities of violations of 18 U.S.C. §§ 2252 and 2252A involving the user or users of the accounts identified in Attachment A, including, for each user name identified on Attachment A, information pertaining to the following matters:

- (a) Images and videos depicting minors engaged in sexually explicit conduct;
- (b) Drawings, cartoons or paintings depicting a minors engaged in sexually explicit conduct and which are obscene;
- (c) Evidence indicating how and when the Tumblr accounts were accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crimes under investigation and to the Tumblr accounts owner or user;
- (d) Evidence indicating the Tumblr accounts owner's or user's state of mind as it relates to the crimes under investigation;
- (e) The identity of the person(s) who created or used the accounts, including records that help reveal the whereabouts of such person(s); and
- (f) The identity of the person(s) who communicated with the accounts' users about matters relating to child pornography, including records that help reveal their whereabouts.

**CERTIFICATE OF AUTHENTICITY OF
DOMESTIC BUSINESS RECORDS PURSUANT TO
FEDERAL RULE OF EVIDENCE 902(11)**

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Tumblr, Inc. ("Tumblr"), a company headquartered at 770 Broadway, New York, New York 10003, and my official title is _____. I am a custodian of records for Tumblr. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Tumblr and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;

b. such records were kept in the ordinary course of a regularly conducted business activity of Tumblr; and

c. such records were made by Tumblr as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature